

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GREG NULMAN and  
TATYANNA KNYAZHESKY,

Plaintiffs,

V.

**MONEY WAREHOUSE, INC. and  
COUNTRYWIDE BANK, FSB**

Defendants.

CIVIL ACTION NO. 2:09-cv-01503-JF

**BRIEF OF DEFENDANT COUNTRYWIDE BANK, FSB  
IN OPPOSITION TO PLAINTIFFS' MOTION FOR  
LEAVE TO FILE A REBUTTAL MEMORANDUM**

Countrywide Bank, FSB (“Countrywide”), by its undersigned counsel,  
submits this brief in opposition to plaintiffs’ motion for leave to file a rebuttal  
memorandum.

Federal Rule of Civil Procedure 56 permits a party opposing a summary judgment motion to file an opposition brief. Here, plaintiffs filed their opposition brief. Neither Rule 56 nor any other authority permits parties opposing summary judgment, like plaintiffs here, to file – in addition to an opposition brief – a “rebuttal memorandum.”

Nor do plaintiffs identify any basis for the Court to exercise discretion to permit plaintiffs to file an extra brief, other than plaintiffs' conclusory and boilerplate assertion that, otherwise, Countrywide's brief would "go uncorrected as unchallenged." They fail to identify any aspect of Countrywide's brief that is incorrect or warrants a further brief.

Plaintiffs obviously just want to get in the last word, and the Court should not expend resources allowing plaintiffs to do so when they have no right and have offered no basis for it.

Accordingly, Countrywide respectfully requests that the Court deny plaintiffs' motion for leave to file a rebuttal memorandum.

/s/ Martin C. Bryce, Jr.

Martin C. Bryce, Jr., Esquire  
Joel E. Tasca, Esquire  
BALLARD SPAHR LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103-7599  
Telephone: 215.864.8238/8188  
Facsimile: 215.864.8999  
bryce@ballardspahr.com  
tasca@ballardspahr.com

Dated: September 21, 2010

*Attorneys for Defendant  
Countrywide Bank, FSB*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of September 2010, I have caused a true and correct copy of the foregoing Brief of Countrywide Bank, FSB in Opposition to Plaintiffs' Motion for Leave to File a Rebuttal Memorandum to be served on the following counsel via ECF, and such documents are available for viewing and downloading from the ECF system:

Robert P. Cocco, Esquire  
ROBERT P. COCCO, P.C.  
1500 Walnut Street  
Suite 900  
Philadelphia, PA 19103  
rcocco@rcn.com

Matthew B. Weisberg, Esquire  
WEISBERG LAW, P.C.  
7 South Morton Avenue  
Morton, PA 19070  
mweisberg@ppwlaw.com

*Attorneys for Plaintiffs*

The following individuals were served via first class U.S. mail, postage prepaid:

Yuri Volin, President  
Money Warehouse, Inc.  
615 Second Street Pike  
Southampton, PA 18966

Richard J. Weitzman, Esquire  
Law Offices of Richard J. Weitzman, PC  
3 N. 2<sup>nd</sup> Street, Suite 200  
Philadelphia, PA 19106

/s/ Joel E. Tasca  
Joel E. Tasca